

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 13 October 2022 in Committee Room 3 - City Hall, Bradford

Present – Councillors

LABOUR
M Slater (Chair)
M Hussain
S Khan

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR TOP MARKET EUROPEAN FOOD STORE, 534-538 LITTLE HORTON LANE, BRADFORD, BD5 0PA

Commenced: 1000
Adjourned: 1115
Reconvened: 1125
Concluded: 1135

ALSO PRESENT

Applicant

Tingo Omar

Governance Officer

Asad Shah

Legal Representatives

Nighat Rasool

Saika Razaq

Licensing Officer

Melanie McGurk

MINUTES

The Assistant Director Waste, Fleet and Transport Services presented a report (**Document “K”**) which outlined an application for variation of a premises licence to extend permitted hours for the sale of alcohol for consumption off the premises in respect of Top Market European Food Store, 534-538 Little Horton Lane, Bradford, BD5 0PA.

The Licensing Officer was in attendance and with the permission of the Chair informed the Panel that a representation had been received from a Ward Councillor, along with a petition from individuals, who raised concerns of anti-social behaviour (ASB) around the shop including fighting, shouting and causing disturbance to local residents. Concerns were also raised regarding litter problems and broken glass in the area.

Succeeding a synopsis of the report, the Chair invited the Applicant to address the Panel. The Applicant touched on his written statement and in particular made references to the following salient points. He raised concerns to the petition presented by the Licensing Officer as a number of signatory entries there in had been written and signed by the same handwriting. He further highlighted that he had personally spoken with two community members named on the petition and he was advised that they had not signed the petition.

A supporting associate of the Applicant was also in attendance and advised the Panel that his name and signature had been forged on the petition without his permission.

The Applicant therefore stated that the legal acceptability of the petition was questionable.

On the matter of littering, there were several shops within close proximity to one another on Little Horton Lane and therefore it was unfair to suggest that his store was the result of littering the streets of the residential neighbourhood.

Furthermore, the pavement adjoining the premises was routinely cleaned on a daily basis by himself and staff members. Moreover, he had maintained a healthy relationship with two Wardens who were representatives of the Council's Environmental Service and they had advised him there was no littering around the store to the extent of a cause for concern. Hence the argument on the matter of littering was clearly a concern that was unsubstantiated.

A question and answer session ensued to which the Applicant explained: -

- He had been advised that non-completion of section M of the application to vary a premises licence under the Licensing Act 2003 form was not necessary due to the current licence, attached with conditions, being permitted in 2005;
- In response to the premises CCTV system, the initial cost of the CCTV system was in the region of £3,000. The system included the installation of 32 cameras which were continuously recording 24 hours a day footage. The footage was retained in the hard drive for a period of 28 days from the date of recording;
- Relating to written announcement beside the exit for customers' attention, a notice was on display that advised everyone to enter and exit the store in a quiet and orderly manner;
- In regards to authenticating the age of a young people during the purchasing of tobacco and alcohol, in compliance with government guidelines, all staff were trained to ask for identification of customers to authenticate their age before they were allowed to purchase products according to government regulations;
 - That utmost attention was given to ensuring that no one was served tobacco or alcohol under the legal age limit.

- In addition, the store had never come under the scrutiny of the Police or the Council for the sale of illegal tobacco.
- In response to any incidents, there had never been any concerns associated with the store however the police had requested the CCTV footage in the past to which I had obliged relating to ASB away from the store and an incident that had once occurred at a nearby bus stop;
- The store had a total of six members of staff and a further one had been appointed a week ago. The staff was trained with business operating regulations;
- Current trading hours were 0800 to midnight;
- If the extended business hours were to be approved then additional staff would be recruited; and,
- Any issues of ASB or any matters of concern were not incidents that were store related.

At this point the Chair invited the Ward Councillor to put his objections to the panel. He commenced by making a point of clarification on an extract within witness statement which made reference to his involvement in the petition. He stated that he had no participation in the petition and was only communicating the objections on behalf of his constituents who were residents and had raised their concerns to him on the application for the extending of business hours.

However, during conversations with constituents, it became apparent that a number of residents had refrained from signing the petition in fear of reprisals.

In terms of concerns, this store was located in the heart of a residential area; with no alternative route to the store but to travel through the area would increase ASB throughout the night. The extended hours would ultimately result in a detrimental impact on residents in particular, the elderly with long term illnesses and vulnerable residents. Noises during the night would also encroach on young children who required much needed rest during the night before attending schools in the morning.

Succeeding the latter, the Chair disclosed the fact that no representations had been submitted by responsible authorities of any historical perturbing events that would question the viability of this application.

In response, the Councillor made reference to a meeting that took place with the Youth Service team a few months ago on a significant issue relating to young people found near the store who were intoxicated with illegal substances, smoking and under the influence of alcohol. Their intoxicated state resulted in ASB.

In conclusion the panel sought assurances from the Applicant of his commitment to the Mandatory Conditions and Conditions Consistent with the Operating Schedule. In response, the Applicant confirmed his adherence to the obligations associated with his store's business and trading activities.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel grants the application for variation of a premises licence to extend permitted hours for the sale

of alcohol for consumption off the premises in respect of Top Market European Food Store, 534-538 Little Horton Lane, Bradford, BD5 0PA.

ACTION: Assistant Director, Waste, Fleet and Transport Services

Chair

These minutes are subject to approval as a correct record at the next meeting of the Licensing Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER